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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,

12 Respondent,

13 v.

14 TANH HUU LAM,

15 Movant.
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No. 2:97-cr-0054 WBS KJN P

ORDER

17 Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or
18 correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States
19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On April 19, 2017, the magistrate judge filed findings and recommendations herein which
21 were served on all parties and which contained notice to all parties that any objections to the
22 findings and recommendations were to be filed within fourteen days.

23 On April 24, 2017, movant filed a request to amend the title of his pending motion from
24 “Motion for Relief from Judgment” to “Civil Rights Complaint for Equitable Relief.” (ECF No.
25 485.) That motion is denied. Changing the title of the pleading would neither change its
26 substantive content nor cure its defects.

27 On May 1, 2017, movant filed objections to the findings and recommendations. (ECF No.
28 486.)

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
2 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
3 court finds the findings and recommendations to be supported by the record and by proper
4 analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Movant's request to amend the title of the pending motion (ECF No. 485) is denied;
- 7 2. The findings and recommendations filed April 19, 2017, are adopted in full;
- 8 3. Movant's motion for relief from judgment (ECF No. 479), construed as a successive
9 motion pursuant to 28 U.S.C. § 2255 is denied; and
- 10 4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. §
11 2253.

12 Dated: May 17, 2017



13 WILLIAM B. SHUBB
14 UNITED STATES DISTRICT JUDGE
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